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THE  
**CAMBRO - BRITON.**

APRIL, 1822.

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NULLI QUIDEM MIHI SATIS ERUDITI VIDENTUR, QUIBUS NOSTRA  
IGNOTA SUNT. CICERO de Legibus.

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**THE LAWS OF HYWEL.**

**THE COMMON LAW.**

[Continued from page 264.]

*Of Women\*.*

IF a female slave shall have become pregnant, he, that causes her to become so, ought to provide another to serve in her stead until she is delivered, as well as the nursing of the child, after she is delivered, without inconvenience to him to whom the slave belongs; and, if she die in childbirth, he must pay her legal price to the lord, and a chamberheriot to the lord's wife †, viz. thirteen pence.

If a female alien ‡ be going through the country, and die on her journey, let there be paid to the person, that owns the land, sixteen pence as a fine for her death-clod §.

\* Arch. of Wales, vol. iii. p. 381. Wotton's "Leges Wallicæ," p. 86.

† The words in the original are *ebediw ystavellaug o'i wraig*, which Wotton translates, but, as it would seem, erroneously, "*feminae cameram possidentis mortuarium.*" He adds, however, that the meaning of *ystavellaug* is obscure. Whatever it mean, it applies here to the heriot, and not to the woman, at he has taken it.

‡ Here Wotton has "*peregrina novitia:*" the original expression is *alltud o wraig*. *Alltud* means, literally, one of another land, and, as we noticed in our last Number, is generally used for an alien. Hence *alltud cenedlaug* is an alien born, and *alltud tramor* an alien from beyond sea: *alltud priodawl* has the sense of a native vassal.

§ This is a literal translation of *marwdywarchen*, which seems to have implied the spot of ground in which a person was buried. In this sense Taliesin uses the word, when he says—

*Nid hysbys gan neb ei varwdywarchen.*

No one is acquainted with his death-clod.

If a man wish to separate from his wife, and to take another, the first is at liberty; for one man cannot have two wives.

Every wife ought to go away freely where she pleases; for she ought not to be obliged to return to her own family\*; and nothing is due to her besides her commutation-fee, and that only one commutation-fee; for a wife has no heriot except her commutation-fee. In the same manner that a man pays but one heriot, a woman is bound to pay but one commutation-fee; for there belongs to her no heriot, nothing but her commutation-fee.

A woman shall not be admitted as bail or witness against a man.

If a woman be seen coming from one side of a grove† and the man from another, or coming out of an empty house, or under one cloak,—if they deny *their illicit intercourse*‡, the oaths of fifty women are required from the woman, and those of so many men from the man.

If a Welshwoman be married to an alien, her satisfaction§ shall be according to the privilege of her husband until his death, and, after his death, until she take another husband; for she can have no return|| to the privilege of her tribe.

If a Welshwoman be married to an alien, and they have

\* The meaning of the original word in this place, *carddychwel*, is involved in some obscurity. Mr. Owen, in his Dictionary, derives it from *cardd* and *chwel*, and applies to it, accordingly, the signification of “going into exile:” this, however, appears to be doubtful, as the more probable etymology of the word is *car* and *dychwel*, which would give it the sense of “return” as above. We have, therefore, adopted this meaning, as more agreeable with the context, and which is still more obviously the case in a subsequent passage, where the same word recurs. Wotton, by a periphrasis, renders the term “non enim a gentilibus suis invita repetenda est,” which has the same import that we have adopted. Dr. Davies, it may be added, has inserted the word in his Dictionary, but has made no attempt to explain it.

† *Lleyn a pherth*, literally, “grove and brake,” is an expression which occurs often in these Laws, and implies “secrecy” in a particular sense of the word. Hence *gruwaig lleyn a pherth* is a harlot, and *mab lleyn a pherth* an illegitimate child. Wotton, in a note upon the expression, says, “dicitur de clanculariis inter virum et feminam congressibus.”

‡ This expression does not occur in the original, but is here introduced to supply the sense.

§ *Sarhaed*.

|| The original word here is *yn. hiraet*.

male children\*, they shall be entitled to their patrimony by their maternal affinity†, but they shall not be entitled to a share of the privileged land‡ until the third generation; but the son of an alien by a woman of a chief family§ shall be entitled to a share of the whole. The sons of such women shall pay cattle without pledges:—the cause of these cattle being called cattle without pledges is because there is no father's family to pay them, only that of the mother||.

A woman ought not to purchase or sell unless she is married; and, from the time she is married, she may purchase and sell.

Three women there are, whose sons have the privilege of claiming by maternal affinity: a Welshwoman, who has been married to an alien; a woman who has been betrothed in a strange country\*\*, if she be with child and have betrothed herself from her tribe and her lord; and a woman, upon whom an alien shall have committed a rape††.

If a maid be married, and her maiden-fee be not demanded before she gets up the following morning, her husband is not bound to answer for it from that time forwards.

\* *Plant meibion*: Wotton's copy has *plant* only.

† The word, rendered by "maternal affinity," is *mamwys*.

‡ The privileged land, *tyddyn breiniawl*, here alluded to, was, most probably, the land exempted from rent and service.

§ Wotton appears to have misunderstood the sense of this passage, which he renders by "*nisi advena fuerit princeps inter suos*." We are inclined to think, however, that *penaeth* has reference here to the mother's family, and not to the father's.

|| The words, here translated "cattle without pledges," are, in the Archaicology, *gwartheg deuach*, in which there appears to be some error; for we confess ourselves unable to discover the meaning of *deuach* as here applied. We have, therefore, preferred following Wotton, who has, in three copies, *gwartheg dirach*, which he properly renders by "*vaceæ sine sponsione*." He also refers to a Law Triad, wherein the same term is used on precisely the same occasion: we have consulted the Archaicology in vain for this Triad, which is inserted in p. 330 of Wotton's work. It would appear from all this, that a pledge or security was usually given for the payment of a fine, but that in certain cases, as in the one before us, it was not required.

\*\* *Gwlad anghyfraith*.

†† In the Law Triads (Arch. of Wales, vol. iii. p. 322) the three women, whose sons have the peculiar claim above specified, are somewhat differently described. This clause does not occur in Wotton's copy.

If a maiden declare not the use of her maiden-fee\* before she rises from her bed, her maiden-fee is not due afterwards, unless it be in common between them.

A daughter is entitled to no more of her father's goods than the half of what her brother has; and she ought only to pay, as a satisfaction for murder, the half of what her brother pays, and that on account of her children; and, if she have no children, and swear on her part, that there never will be any, she ought not to pay any thing, and, if there be any, and they are arrived at the legal age, they ought to pay for themselves from that time forward.

No woman, whether old or young, is bound to pay the stock-penny†.

\*   \*   \*   \*   \*   \*

For committing a rape on a married woman no commutation-fee is payable; for it was paid when she was married.

If a woman take a child lawfully to a man, and he disown it, we say, that she ought not, after having once taken it to him, ever to take it to another; for there can be no return‡ of the child from him, to whom it was first taken.

If a woman be given to a man, and her property specified, and the whole be obtained within the amount of one penny, and that is not obtained, we say, that the man may separate from her, and she shall not take any of her property; and this is the single penny that takes a hundred.

Security is not required for making good the property that a woman has as her portion.

A woman ought to have, as a satisfaction for insult, the third part of her husband's; whether that insult be by homicide or any other means.

\* In the original, *O derrydd i vorwyn na ddyweto ei chowyll*, which Wotton translates, and, we think, correctly, "*Si puella non dixerit quem in usum destinabit antiphrasa sua.*" The words in italics, it will be seen, are suppletory to the original expression.

† This is the translation of *ceiniawg baladyr* in Owen's Dictionary. *Paladyr* means, properly, the shaft of any thing, and, therefore, of a spear; accordingly Wotton here uses "*denarius hastæ*," which seems to agree with the particular nature of this fine. For the Laws, in another place, say, that it was payable by a man only, as a woman carried nothing but a distaff. It was, in certain cases, the usual penalty for a homicide.

‡ It is here that the word *carddychwel*, mentioned in a preceding note, is again used, and, we think, it can only have the meaning we have above given it.

A woman is not entitled to jury-women\*, neither for theft, nor for murder, nor for surety; only to a jury of men.

The law says, that a woman is not entitled to her maiden-fee after she becomes marriageable, unless she be cleared † by her next of kin, such as her mother, her father, her brothers, and her sisters, as far as seven persons. She ought to be considered marriageable from fourteen upwards; and from thence until the end of forty years she is entitled to maintenance;—that is to say—from fourteen to forty she ought to be considered in her youth, and, after that, as being past child-bearing.

\* \* \* \* \*

If a man slander a woman ‡ the oaths of seven women are necessary the first time; fourteen the second time; and, thenceforward, for every slander the oaths of fifty women.

If a woman kill a man, she ought to have the stock-penny; for it is she that takes it and does not pay §.

Every lady || is entitled to a commutation-fee from the women of her domain.

Every land-steward is entitled to the commutation-fees within his district.

A common harlot has no privilege; even although a rape be committed on her, she can have no compensation. If a satisfaction for any other injury be due to her \*\*, let it be paid according to the privilege of her brother; and, if she be killed, his satisfaction for murder.

\* *Rheithuragedd*:—Wotton translates it “compurgatrices.” *Rhaiſ* signifies either “law” or “jury;” and, in the former sense, seems to come from the same root as the Chaldaic *oraitha*.

† The original word is *dikeura*, which Wotton periphrastically renders by “integritatem ejus præstaverint.” Dr. Davies has “crimine aliquem purgare.” This, however, we think, rather exceeds the proper meaning, which is here at least, in the sense Wotton has adopted, to vouch for another’s purity.

‡ *Enllibiaw*, original; “adulterii accusaverit,”—Wotton.

§ It appears strange, that a woman should be thus rewarded for her offence. Though, as we have seen before, she was not to pay the “stock-penny,” there seems no reason, why she should, in this case, have received it. This was “profiting by her own wrong” with a vengeance.

|| *Argluyddes*:—probably, a Lady of a Manor in her own right.

\*\* *O sarhaer kithau*:—Wotton translates it “Si injuria alia illi inferatur,” which seems to be the proper construction.

For every misdemeanour, that a woman shall commit, her family shall pay for her, as for the husband, unless she be married; and, if she be married, let her and her husband pay her amercement and forfeiture \*.

[*To be continued.*]

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## THE TRIADS.—No. XXI.

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### THE WELSHMAN'S TRIADS\*.

1. THREE things which every Welshman ought to be so as not to disgrace himself, his country, or his kindred: generous, brave, and merciful.

2. Three things which it is great praise to a Welshman to cultivate: his paternal estate, his family, and his judgment.

3. Three things which every Welshman ought to be in order to gain the love of his country and his tribe: humble, temperate and inoffensive.

4. Three deportments necessary to a Welshman towards such as shall insult him, and all these at the same instant: to reject‡, to forgive, to forget.

5. Three things which every Welshman ought incessantly to remember for fear of the disrespect he may suffer from them: his father, his country, and his name of Cymro.

6. Three things which every Welshman ought always to preserve in his thought and in his memory: what is due from

\* *Ei chamlwre a'i dirwy* are the original words, the sense of which is not quite correctly rendered by Wotton, who has “*multas publicam et privatam.*” *Camlwre* is explained, in another part of the Laws, to be a fine of three kine or 180 pence; *dirwy* appears to have had a more general signification.—This is the conclusion of the Laws relating to Women, both in the Archaiology and in Wotton.

† Arch of Wales, vol. iii. p. 251. These Triads, in the original *Triodd y Cymro*, were supplied to the Archaiology by Mr. Edward Williams (*Iolo Morganwg*), who transcribed them from a collection made by Thomas ab Ivan of Tre Bryn, in Glamorganshire, in the year 1680. They appear to have been the production of Hopcyn Thomas Phylip, a poet who flourished between 1590 and 1630.

‡ The original word is *ymurth*, the full meaning of which it is impossible, perhaps, to convey into English.